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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,197	07/25/2003	James W. Fronsdaahl	6213/AGS/SPARES/HMM	2705
41161	7590	07/30/2007		
DUGAN & DUGAN, PC 55 SOUTH BROADWAY TARRYTOWN, NY 10591			EXAMINER RIGGLEMAN, JASON PAUL	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,197

Applicant(s)

FRONSDAHL ET AL.

Examiner

Sarah E. Husband

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6/18/2007 have been fully considered but they are not persuasive. Applicant argues that there is no motivation to combine White and Inoue. However, this argument is not persuasive because White discloses a shield, which is "preferably" hydrophilic. Inoue has a teaching of making a surface hydrophilic by sandblasting. It would be certainly be within the level of ordinary skill in the art to choose a known way of making a surface hydrophilic and apply it to the shield, which is preferred to be hydrophilic. Although Inoue is drawn to an image-forming material, it is clear from the description in Inoue that one option of making a surface hydrophilic is accomplished by sandblasting (col. 10, ll. 20-30). Therefore, one of ordinary skill in the art would easily be able to apply the teaching that it is known to make a surface hydrophilic by sandblasting (Inoue) and modify White.

In regard to Applicant's arguments that Jaffe does not describe the use of the polycarbonate shield in the specific spin rinse dryer system, this argument is also not persuasive. Jaffe describes the shield is useful in semiconductor processing equipment. SRD systems are commonly known in the processing of wafers and therefore the teachings of Jaffe would also apply to the SRD systems. Further, Jaffe describes various benefits of using polycarbonate as a shield material such as it being non-contaminating (col. 3, ll. 44-45), which would be very useful in the SRD system as well. One of ordinary skill would readily foresee using the teaching of a polycarbonate material useful in semiconductor equipment

and applying it to SRD systems as well as other semiconductor equipment specifically mentioned by Jaffe.

Therefore, the rejection stands as follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (JP 2001007068) in view of Inoue (US Patent No. 4,052,211).

White discloses an SRD having a substrate support, fluid source, and shield. White also discloses the shield is hydrophilic and the support holds and rotates the substrate vertically. White further discloses the multiple shields positioned above the substrate, the shield is movable and is downwardly sloped (see figures and also entire document; translation available in US 6,516,816). White does not specifically disclose the shield has a particle-blasted finish to increase the hydrophilic properties. Inoue discloses that a surface is rendered hydrophilic by using a graining procedure such as sand blasting (col. 10, ll. 18-23). Therefore, at the time of the invention, it would be obvious to one of ordinary skill in the art to modify sand blast the hydrophilic surface of White as shown by Inoue for the benefit of increasing the hydrophilic properties of the surface.

Claims 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over White and Inoue as applied to claims 1-8, 11 and 13-20 above, and further in view of Jaffe (US Patent No. 5,476,520).

White and Inoue disclose the apparatus shown above in the 103(a) rejection. They do not specifically disclose the shield is made of polycarbonate. Jaffe discloses a shield can made of polycarbonate (col. 3, ll. 32-48). At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify White and Inoue with a polycarbonate shield as shown by Jaffe because polycarbonate is an alternative shield making material which is known in the art (col. 3, ll. 32-48).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8, 11 and 13-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5-8, 11-15, 17, 24-26, 32, 33, 38-41 and 47 of U.S. Patent No. 6516816 in view of Inoue. '816 discloses a support, source of fluid and shield as the current application but does not disclose the particle blasting. Inoue discloses particle blasting of a shield to provide hydrophilic properties to a surface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify '816 with Inoue for the benefit of increasing the hydrophilic properties.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SEH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER